

ELLISON, SCHNEIDER & HARRIS L.L.P.

CHRISTOPHER T. ELLISON
ANNE J. SCHNEIDER
JEFFERY D. HARRIS
DOUGLAS K. KERNER
ROBERT E. DONLAN
ANDREW B. BROWN
MARGARET G. LEAVITT, OF COUNSEL

ATTORNEYS AT LAW
2015 H STREET
SACRAMENTO, CALIFORNIA 95814-3109
TELEPHONE (916) 447-2166 FAX (916) 447-3512

LYNN M. HAUG
PETER J. KIEL
CHRISTOPHER M. SANDERS
JONATHAN R. SCHUTZ
GREGGORY L. WHEATLAND

July 27, 2005

Ken Anderson, Sierra District
California State Parks
P.O. Box 266
Tahoma, CA 96142
Telephone (530) 525-9535
Email kande@parks.ca.gov

Re: Burton Creek State Park Preliminary General Plan/Draft EIR

Dear Mr. Anderson:

5.10 I am writing as a resident of Tahoe City to express my deep concern that the *Burton Creek State Park Preliminary General Plan/Draft EIR* (the "Draft EIR") published by State Parks is legally defective. Specifically, the Draft EIR fails to adequately consider direct, indirect, and cumulative impacts of the proposed Burton Creek Project, as required by CEQA. Fortunately, there is still time for State Parks to cure these defects.

5.11 First, and foremost, the Draft EIR fails to properly consider the appropriate CEQA baseline with regard to traffic. As you know, the current level of service ("LOS") for traffic on State Highway 28 is LOS F. The LOS F condition can easily be documented if State Parks uses the period between the draft EIS and the final EIS to conduct legally sufficient traffic studies. I respectfully request that State Parks conduct the appropriate traffic studies -- studies that reflect the existing baseline conditions. State Parks should not rely on outdated traffic studies. Failure to do so would be a fatal flaw in the project.

Second, State Parks cannot simply dismiss traffic impacts based on the current LOS F for Highway 28. It is well-settled law in California that CEQA lead agencies may not apply the rejected "ratio theory." Specifically, State Parks may not simply conclude that since the LOS for Highway 28 is currently LOS F that no additional mitigation is required. CEQA precedent clearly dictates that such rationalizations are impermissible. The project must provide mitigation for its contributions to an already significant impact.

5.12 Third, State Parks must properly consider other projects and mitigate the Burton Creek Project's cumulative impacts. Specifically, Placer County recently approved the HIGHLANDS VILLAGE MIXED-USE PROJECT (EIAQ-3785; the "Highlands Project"). The Highlands Project is a mix of senior housing (78 residential units and underground parking garage), commercial buildings (4,791 sq. ft), and 25-three story townhouse buildings (50 residential units) that use Highway 28 for access and egress. The addition of one hundred twenty-eight (128)

July 26, 2005

Page 2

housing units, underground parking and nearly 4,800 square feet of commercial space will exacerbate traffic problems on Highway 28. Accordingly, State Park must consider the Highlands Project in its examination of the direct, indirect, and cumulative impacts associated with the Burton Creek Project.

Fourth, in addition to the traffic issues discussed above, State Parks should revise the draft EIR to take into consideration the potential cumulative impacts of the Burton Creek Project, the Highlands Project, and other reasonably foreseeable projects. That cumulative impacts analysis should specifically address the potential cumulative effects of the projects, including, but not limited to the potential cumulative effects on Air Quality, Public Health, Biological Resources, Noise and Vibration, Soil and Water Resources, Visual Resources, and Waste Management.

It is critically important that State Parks take into consideration the potential effects of the Burton Creek Project in combination with other recently approved and reasonably foreseeable projects. I hope that State Parks will address these issues.

5.13

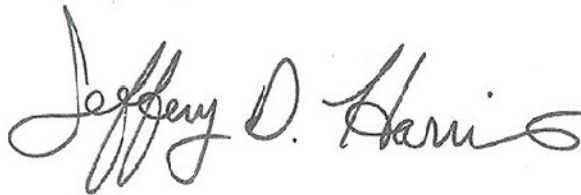
The problems I raise are real and here today. Last Saturday, a weekend that was not a Holiday weekend, it took our family more than twenty-five minutes to travel from Highway 28 and Old Mill Road to the intersection of Highway 28 and Highway 89. It should not take twenty-five minutes to travel less than three (3) miles, but it does in Tahoe City.

Tahoe's residents, business and visitors should be able to enjoy the beauty of Tahoe without the frustration of inadequate roads. The local economy also deserves the opportunity to thrive and grow too.

State Parks and the Burton Creek Project may not be responsible for all of the problems that we face as a community, but State Parks has both the obligation and the opportunity to be part of the solution. State Parks, in consultation with CalTrans and local officials, should first perform a more detailed examination of the current problems and propose real solutions to the traffic problems.

Thank you for your consideration of these important issues.

Sincerely,

A handwritten signature in cursive script that reads "Jeffery D. Harris". The signature is written in dark ink and is positioned above the printed name.

Jeffery D. Harris

Lynne R. Larson
P.O. Box 8126
Truckee, CA 96162
11155 Rancho View Court
Truckee, Ca 96161

July 26, 2005

Ruth Coleman, Director
California State Parks
Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

RE: Burton Creek State Park; Preliminary General Plan Draft EIR

Dear Director Coleman,

After careful examination of the Burton Creek State Park, Preliminary General Plan Draft EIR I would make the following comments.

There are nearly 35 million people living in California today so I can appreciate the need for recreational facilities for the citizens of California. However, the "Preferred Alternative" is seriously flawed and is fraught with "Unavoidable Significant Environment Impacts" such as:

6.10

1. Increased traffic to an already impacted area where the major transportation corridor to access the Burton Creek area is classified as F by Cal-Trans.

6.11

2. The "Plan" says there are no irreversible changes to the physical environment if the site is developed under the "preferred plan" with mitigation. With the development of numerous campsites, roads and a management and housing facility, there can only be a negative impact on the environment. The increased traffic, noise, air pollution from numerous campfires, autos and dust from roads within the Plan area will only contribute to degradation of the region and ultimately effect the water quality of Lake Tahoe.

6.12

3. The loss of privacy for the local residents, increased noise levels, increased fire risk and the opportunity for increased criminal activities.

Realizing the need for recreational facilities I urge you to consider another alternative. Consider Minimum Recreation/Maximum Resource Protection and Management (Alternative 2) but include the following:

6.13

1. Limited "walk in" only campsites. This would allow visitors the opportunity for a semi-wilderness experience without the disturbances from mechanical sources. The campsites would be by reservation and scattered within the plan area. Sanitation facilities would be included.

6.14

2. Develop hiking trails that would be used by both visitors and local residents.

6.15

3. Repair or abandon those current trails and roads that contribute to the degradation of the region and design a trail system that provides access to campsites but also hiking away from the campsites.

6.16

4. Use resources to develop a visitor center in a centralized location that would serve all of the State parks in the North Tahoe area. The visitor center would manage the reservations for campsites, provide an education program and serve as an information center for State supported activities in the region.

6.17

5. Provide limited parking at Trailheads into the Burton area. Urge campers and hikers to use the local transit system. A current proposal for a Transit Center in Tahoe is being discussed and is in the EIR stage. One of the purposes of the Transit Center is to get visitors out of their cars and reduce the traffic on roads that are rated F in the Tahoe City area. The Transit Center Plan calls for parking that could encourage those wanting to visit Burton Creek to use the bus. Consider whether it would be feasible to work with the Placer County Department of Public Works and any other necessary agencies to develop the visitor center near the proposed Transit Center. A good example where a bus system for hikers and campers works is Yosemite National Park.

6.18

6. Prohibit motorized vehicles in the Burton Creek area. Not only does this enhance the peaceful experience of the area but reduces the impact on surrounding neighborhoods.

6.19

7. Allow NO concessions in the Burton Creek area or at the Trailheads. This will negatively impact an already declining economy for local merchants by taking the business out of the downtown area.

6.20

I would also mention at this point that the local citizens were lead to believe that a Burton Creek proposal developed and presented in 2002, which resembled Alternative 2, had been approved. The citizens were recently informed that this was not the case. This raises in my mind serious questions about the current document and what really happened in 2002.

Please keep your Mission in mind.

6.21

To provide for the health, inspiration and education of the people of California by helping to preserve the State's extraordinary biological diversity, protecting its most

valued natural and cultural resources and creating opportunities for high quality outdoor recreation.

I believe very little health and inspiration occur when visitors leave their congested home areas for vacations and then end up in another congested area.

I appreciate your consideration to the notion that there may be another alternative to Burton Creek State Park.

Sincerely,

Lynne R. Larson

Cc: Ken Anderson

From: "Juli Anderson" <andersonjuli@hotmail.com>
To: "Ken Anderson" <kande@parks.ca.gov>
Date: 7/29/2005 5:15:05 PM
Subject: Burton Creek Public Comment

July 29, 2005

Ken Anderson

PO Box 266

Tahoma, CA 96142

To California State Parks People:

A few years ago I was riding my mountain bike from the TXC Nordic Center to Watson Peak when I came across the crew chip-sealing the fire road. When I asked the contractor why they were paving the road he replied, "Because of you guys [mountain bikers]. You kick up dirt that gets in the streams and pollutes the lake". No sooner had he finished his sentence when a Ford Explorer came to a skidding fishtail stop as it raced around the corner and nearly into the paving crew.

Paving because of the pollution factor of bicycles? I don't think so.

7.10

Increased access to Burton Creek State Park and the surrounding areas has increased use as well as abuse. It is not unusual to find beer cans and other signs of consumption at viewpoints within and outside Park boundaries. By permitting hundreds of RVs and additional vehicles I feel the Park Service is allowing a disservice to its land. As residents we pay attention to our impact however I cannot say the same for careless campers. Allowing campfires or any type of heat source in the dry Sierra forest seems absolutely ludicrous. In the heat of summer there is not abundant water available and everyday we live with potential threat of wildfires. Let's not bait that trap.

7.11

Speaking of water, has the Park Service considered effects to Anton Meadows wetlands or the tributary that feeds trout to Star Harbor? Human impact will destroy this and other fragile ecosystems. Just a couple years ago the Park Service made a big deal of obliterating trails in order to consolidate use of specific trails. Development of a campsite seems contradictory to these previous actions.

7.12

The greater Lake Tahoe/Truckee area has seen unprecedented growth over the last ten years. With this in mind, I feel there has not been an increase of year round population. Point being there are currently accommodations available without adding an unnecessary campground.

7.13

As an outdoor enthusiast I wanted to see the benefits of a campground. Maybe the campers will spend money in Tahoe City? Well, maybe at the supermarket. We offer motels that need occupants, restaurants that need diners and shops that need patrons. Let's keep people in Tahoe City. In addition to the traffic debacle, I feel it is negligent to add hundreds of RVs driving through town. We are struggling to implement a mass transit system here and this seems completely inconsistent to these efforts. Visitors should get out of their vehicles to see the beauty of Anton Meadows or the trails near the Nordic Center. As an overweight nation we should encourage use with human strength, not fuel.

7.14

At a time when everything seems to be changing, it's nice to escape to the trails behind town to remind ourselves and enjoy why we live here. This sanctuary of flora and fauna has maintained its peace and I feel it is in our as well as future generation's best interest to maintain Burton Creek State Park in its current state.

Juli Anderson
P.O. Box 3305
Olympic Valley, CA 96146
530.583.9898
andersonjuli@hotmail.com <mailto:andersonjuli@hotmail.com>

Arthur B. Penniman
Post Office Box 25
Tahoe City, CA 96145

REC'D JUN 30 2005

Phone (530) 583-2019
Fax (530) 583-1357
penniman@north-tahoe.net

June 28, 2005

California State Parks
Ken Anderson
Tahoma, CA

Regarding the public comment period for the plans for development of Burton Creek State Park, may I offer these comments?

The park is now used intensively by both locals and visitors for a great number of different activities. We use the Park for what it now is, and we would hope that development can be kept to a minimum so that we will be able to enjoy the Park in these many ways that have attracted so many users. The below list is of the activities I have witnessed, and I am sure there are many more that have not come to my attention.

Bicycling
Horseback
Fishing
Orienteering
Geo Caching
Running races
Athletic training activities for school kids
Nature Walks
Birding
Skiing
Hiking

8.10

If we were to do a cost/benefit study for development of the Park, I imagine that it would point in the direction of minimal development.

Sincerely,



July 25, 2005

To: Hayden Sohm
Ken Anderson

Re: Burton Creek State Park

Faxed to: hsohm@parks.ca.gov

From: Marylyn and Peter Siewert
146 Hacienda Drive, Tiburon, Ca 94920

9.10

First we would like to say that we live in Tiburon, California, and Squaw Valley (not in the Highlands). We have owned and enjoyed property for over thirty years in the Tahoe area. During this time, we have utilized the open spaces of the Burton Creek area habitually – in the winter cross-country skiing and in the summer bicycling (yesterday, as a matter of fact). We do not understand why all areas have to be organized. It is wonderful to be able to explore the open spaces in natural settings. This is one place where we can. Further, we know many non-Highlands' residents who also utilize this prized piece of open space year round. It is a misnomer to say that it is used exclusively by the Highlands' residents. Please leave this area in its natural state.

9.11

Second is the problem of traffic. It is totally inappropriate for a camp ground to be accessed through a small, local neighborhood (the Highlands). These people live there to be in a non-commercial, low-trafficated area where their children feel free to play and be safe and where they can walk dogs, ride bicycles, etc., without a lot of cars going by that are not neighbors. The school is bad enough, but at least it is a need for the local population. There must be areas in the Tahoe basin where "locals" can exist on their own.

9.12

Third is the problem of the intersection of the Highway and Fabian. What a joke it is turning left onto Fabian when traveling north from Tahoe City. Coming at you are southbound speeders, people turning out of Dollar Point, people turning out of the 7-11, not to mention the increased traffic caused by the new development going in across from Dollar Point. The access to any development in the Burton Creek Park should be well away from this area and away from any neighborhoods. Consider some place near the Tamarak Lodge.

9.13

Fourth perhaps this is the wrong location for a giant trailer park. If the Park Department insists that it is a necessity, it should be located near the highway and not destroying the beautiful open space that exists to the north. Also "everything in moderation." There is a lot of leeway between zero and two hundred camping spots. Why not consider something closer to zero.

Thank you for your consideration of our thoughts.

Marylyn & Peter Siewert